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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,846	08/29/2003	David Duncan	7535.00004	8144

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EXAMINER

HUNNINGS, TRAVIS R

ART UNIT PAPER NUMBER

2632

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/651,846

Applicant(s)

DUNCAN ET AL

Examiner

Travis R. Hunnings

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claim 1, the phrase "capable of" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Pascucci et al. (Pascucci; US Patent 5,522,044).

Regarding claim 1, Pascucci discloses *Networked Facilities Management System* that has the following claimed limitations:

The claimed personality module including at least one port for communicating with at least one field device and capable of communicating with a server is met by the processing nodes that are connected to a network that is certainly capable of communicating with other devices on the network and also equipped with ports to connect to devices in order to control the operation of those devices (abstract);

The claimed personality module operating autonomously from the server is met by the processing nodes being able to operate independently (column 1, lines 12-16).

Regarding claim 2, the claimed personality module including a local database of information required to perform facilities management functions is met by the database of processes that is in the processing nodes that are controlling the devices connected to them (abstract).

Regarding claim 3, the claimed personality module including an associated processor and an associated local memory is met by the memory and processor associated with the processing node as seen in figure 1 (column 26, lines 38-55). The claimed local memory housing a local database of information required to perform facilities management functions is met by the processing nodes containing databases of processes that allow the processing node to control the devices connected to it (abstract).

Regarding claim 12, the claimed personality module comprising an associated processor and memory is met by the memory and processor associated with the processing node as seen in figure 1 (column 26, lines 38-55). The claimed facilities management information associated with any field devices coupled to the personality module stored on the memory is met by the databases of processes that are stored in the processing node and used to control the devices connected to it (abstract). The claimed personality module management application stored on the memory is met by the processing node having software that allows the processing node to operate and control devices connected to it (abstract).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pascucci.

Regarding claim 4, the claimed personality module including stored information including clearance level information, logic scripts and cardholder information is met by the processing node controlling card reader access points (column 31, lines 40-49). It

would have been obvious to one of ordinary skill in the art to include clearance level information, logic scripts and cardholder information to operate the access control through a card reader as disclosed.

Regarding claim 5, Pascucci discloses the following claimed limitations:

The claimed resources including an associated processor and memory wherein the local memory houses a local database of information required to perform facilities management functions is met by the memory and processor associated with the processing node as seen in figure 1 (column 26, lines 38-55) and the databases of processes that are stored in the processing node and used to control the devices connected to it (abstract);

The claimed event and alarm information being gathered at the personality module is met by the processing nodes gathering alarm information (column 13, lines 43-46).

It would have been obvious to one of ordinary skill in the art to take the high level software that is used to control the processing nodes and move them to a centralized server so that the user could change the overall operation of the system by only modifying the centralized software instead of modifying all of the software contained on each and every processing node. It is also obvious that the centralized server would have a client, either in the form of a user that is monitoring the overall operation of the system or a monitoring agency that is overseeing the operation. Therefore inherently

the processing nodes being connected to the centralized server would also be connected to the client.

The claimed personality module communicating the event and alarm information to the server is met by the processing node gathering alarm information and reporting it(column 13, lines 43-46). The processing node would report that information to the newly centralized server so that the user monitoring the server would be alerted.

It would have been obvious to one of ordinary skill in the art to alert other clients if there was no response to the initial reporting of an alarm information to the centralized server. In this way, the device is able to ensure a better chance of recognition of an alarm condition by a user.

Regarding claim 6, the claim is interpreted and rejected as claim 5 stated above.

Regarding claim 7, the claim is interpreted and rejected as claim 5 stated above.

Regarding claim 8, the claim is interpreted and rejected as claim 4 stated above.

Regarding claim 9, Pascucci discloses the claimed limitations:

The claimed storing the facilities management information in a local database is met by the processing node containing databases of processes that the processing node uses to control the devices connected to it (abstract);

The claimed receiving signals from a field device is met by the processing node controlling the devices connected to it which includes monitoring alarm circuits and receiving alarm information from those devices (abstract and column 13, lines 43-46);

The claimed accessing the facilities management information is met by the processing node containing databases of processes that the processing node uses to control the devices connected to it (abstract);

The claimed sending the field device control signals based on the facilities management information is met by the processing node containing databases of processes that the processing node uses to control the devices connected to it (abstract);

It would have been obvious to one of ordinary skill in the art to take the high level software that is used to control the processing nodes and move them to a centralized server so that the user could change the overall operation of the system by only modifying the centralized software instead of modifying all of the software contained on each and every processing node and to also retrieve control information from the centralized server so that in order to update the control of a field device the user only needs to input new information at the centralized location instead of going to each local site.

Regarding claim 10, the claim is interpreted and rejected as claim 4 stated above.



Regarding claim 11, The claimed personality module communicating the event and alarm information to the server is met by the processing node gathering alarm information and reporting it(column 13, lines 43-46). The processing node would report that information to the newly centralized server so that the user monitoring the server would be alerted.

It would have been obvious to one of ordinary skill in the art to alert other clients if there was no response to the initial reporting of an alarm information to the centralized server. In this way, the device is able to ensure a better chance of recognition of an alarm condition by a user.

Regarding claim 13, it would have been obvious that the processing nodes would include some kind of operating system in order for the node to control the devices connected to it and communicate with other devices in the network.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pascucci et al. *Networked Facilities Management System With Time Stamp Comparison For Data Base Updates*, US Patent 5,511,188;

Ehlers et al. *Energy Management And Building Automation System*, US Patent 5,572,438;

Hunter et al. *Multi-Capability Facilities Monitoring And Control Intranet For Facilities Management System*, US Patent 6,363,422;

Fowler et al. *Method And System For Monitoring Computer Networks And Equipment*, US Patent 6,714,977;

Sastri et al. *Architecture And Protocol For A Wireless Communication Network To Provide Scalable Web Services To Mobile Access Devices*, US Patent 6,785,255;

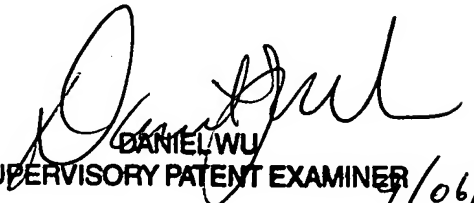
Schwartz et al. *System And Method To Manage Network-Enabled Embedded Devices Operating Under Various Protocols*, US Patent 6,836,796.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRH

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER 7/06/85